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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric
Company
☒ Affects both Debtors

** All papers shall be filed in the Lead
Case, No. 19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**DECLARATION OF KEITH E. EGGLETON IN
SUPPORT OF REORGANIZED DEBTORS'
OMNIBUS MOTION TO ENFORCE THE
DISCHARGE AND INJUNCTION PROVISIONS OF
PLAN AND CONFIRMATION ORDER AGAINST
CERTAIN PENDING ACTIONS**

Date: May 24, 2023

Time: 10:00 a.m. (Pacific Time)

Place: **(Tele/Videoconference Only)**

United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

Objection Deadline:

May 10, 2023, 4:00 pm (Pacific Time)

1 I, Keith E. Eggleton, pursuant to section 1746 of title 28 of the United States Code, hereby
2 declare under penalty of perjury that the following is true and correct to the best of my knowledge,
3 information, and belief:

4 1. I am a member of Wilson Sonsini Goodrich & Rosati, P.C. (“WSGR”), counsel
5 for Pacific Gas and Electric Company and PG&E Corporation (together, the “Debtors” or as reorganized
6 pursuant to the Plan, the “Reorganized Debtors”) as defendants in a number of California state court
7 actions relating to the 2017 North Bay Fires and 2018 Camp Fire. I am licensed to practice law in the
8 State of California and am admitted to practice before this Court.

9 2. I am authorized to submit this Declaration (the “Declaration”) on behalf of the
10 Reorganized Debtors in support of the *Reorganized Debtors’ Omnibus Motion to Enforce the Discharge*
11 *and Injunction Provisions of Plan and Confirmation Order Against Certain Pending Actions*
12 (the “Motion”),¹ filed contemporaneously herewith. The Motion requests entry of an order (i) enforcing
13 the discharge and injunction provisions of the Plan and the Confirmation Order to prohibit the State
14 Court Plaintiffs from continuing to prosecute any Fire Victim Claims against the Debtors or Reorganized
15 Debtors in the Pending Actions; (ii) permitting the Reorganized Debtors to seek sanctions in the event a
16 State Court Plaintiff fails to dismiss a Pending Action in accordance with the Proposed Order; and
17 (iii) permitting the Reorganized Debtors, upon entry of the Proposed Order, to file the Enforcement
18 Order Notice in each Pending Action, which notice would include a description of the Proposed Order
19 and reserve the Reorganized Debtors’ right to seek sanctions. The facts set forth in this Declaration are
20 based upon my personal knowledge and my review of relevant documents. If called upon to testify, I
21 would testify competently to the facts set forth in this Declaration.

22 3. After entry of the Confirmation Order, the Reorganized Debtors through the work
23 of my firm at my direction undertook a review of the known active litigations against the Debtors to
24 identify litigations where, *inter alia*, (i) the parties were asserting Fire Victim Claims against the Debtors,
25 and (ii) the litigation remained pending and had not been dismissed against Debtors.

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27 ¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in
28 the Motion.

1 4. The vast majority of the approximately 900 cases related to the 2017 North Bay
2 Fires and approximately 200 cases related to the 2018 Camp Fire have already been dismissed. Included
3 among the dismissals are the 559 cases that were coordinated in the complex department of the San
4 Francisco Superior Court, which were dismissed on January 20, 2021, by the Honorable Andrew Y.S.
5 Cheng, pursuant to the injunction provision contained in Section 10.7 of the Plan (the “**Channeling**
6 **Injunction**”). A true and correct copy of this dismissal order is attached hereto as **Exhibit A**.

7 5. With respect to the non-coordinated cases related to the 2017 North Bay Fires and
8 the cases related to the 2018 Camp Fire, law firms have filed over 500 voluntary dismissals. I am aware
9 of nineteen actions that remain pending and that are the subjects of this Motion: eleven actions related
10 to the 2017 North Bay Fires and eight actions related to the 2018 Camp Fire.

11 6. Following the review described above and through the work of my firm at my
12 direction, the Reorganized Debtors made a good faith determination that the State Court Plaintiffs
13 identified in Exhibit 2 to the Motion have asserted Fire Victim Claims against the Debtors and have been
14 unwilling or reluctant to dismiss those actions notwithstanding the imposition of the Channeling
15 Injunction.

16 7. In addition, members of my team have sent correspondence by email, including
17 in a form substantially similar to those attached as Exhibit 4 to the Motion, to counsel for the State Court
18 Plaintiffs in eighteen of the nineteen remaining actions and have followed up to provide an opportunity
19 for the State Court Plaintiffs in those actions to comply with the terms of the Channeling Injunction.
20 Additional efforts by my team on behalf of the Reorganized Debtors in those eighteen cases included:
21 drafting a voluntary dismissal form for counsel to a State Court Plaintiff; offering to file a signed
22 voluntary dismissal form with authorization from a State Court Plaintiff’s counsel; and multiple emails
23 (and sometimes telephone calls) following up with counsel for the State Court Plaintiffs.

24 8. The nineteenth case is *Sims v. Pacific Gas & Electric Co.*, pending in Butte
25 County Superior Court. Counsel for the plaintiffs in the *Sims* case (Jane Luciano) is also counsel for
26 plaintiff in *Gardner v. Pacific Gas & Electric Co.* – listed in Exhibit 2 to the Motion and one of the
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1 eight cases in which the correspondence described in Paragraph 7 above was sent.

2 9. On April 19, 2023, the Butte County Superior Court held a case management
3 conference in six of the remaining actions relating to the 2018 Camp Fire, including the *Sims* and
4 *Gardner* cases. In connection with those conferences, Ms. Luciano filed case management statements
5 in the *Sims* and *Gardner* cases stating that: “Plaintiff[s] [Sims/Gardner] intend to pursue their case for
6 punitive damages despite threats from Wilson Sonsini demanding that the claim against it be dismissed.
7 Punitive damages are not dischargeable in bankruptcy.” True and correct copies of the statements filed
8 by Ms. Luciano in the *Sims* and *Gardner* cases are attached hereto as **Exhibit B**.

9 10. At the case management conferences, the Butte County Superior Court continued
10 the conferences to August 23, 2023. The court indicated that the Reorganized Debtors could file motions
11 to dismiss the cases. I informed the court that the Reorganized Debtors would likely file this Motion to
12 address all outstanding actions.

13 11. Although this Declaration does not attach each of the complaints or other
14 pleadings that reflect the claims for Fire Victim Claims, nor the letters and other correspondence
15 reflecting the efforts of the Reorganized Debtors and their counsel to provide notice and opportunity for
16 the State Court Plaintiffs to comply with the Channeling Injunction, the Reorganized Debtors are
17 prepared to promptly provide these materials if requested to do so by the Court.

18 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury, that the foregoing is true
19 and correct to the best of my knowledge, information, and belief.

20
21 Dated: April 26, 2023
22 Palo Alto, California

23 /s/Keith E. Eggleton
24 Keith E. Eggleton
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